

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:

CASE NO. 19-10899-TPA

John Benjamin Vivian, and  
Jodie Lynn Vivian,  
Debtor(s).

Chapter 13

Related to Doc. 39

John Benjamin Vivian, and  
Jodie Lynn Vivian,  
Movant,

vs.

Ronda J. Winnecour, Esquire,  
Chapter 13 Trustee,  
Respondent(s).

CONSENT ORDER OF COURT

AND NOW, THIS \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, upon consideration of the APPLICATION TO APPROVE PERSONAL INJURY AWARD filed at Doc 39 ("Settlement Motion"), and with the consent of the Trustee and the Debtors, it is hereby ORDERED that the Settlement Motion and prospective Exemption Objection(s) are resolved as follows:

- (a) The Settlement Motion is approved in the amount of \$55,000.00.
- (b) The Settlement Proceeds shall be allocated between Debtors as follows:  
\$40,000 to Debtor Wife (who suffered the greater injuries) and \$15,000 to Debtor Husband. Of the gross award of \$55,000.00, \$12,000.00 shall be payable to Dallas M Hartman, Esquire, in payment of legal fees, and \$20,187.31 shall be paid to Jodie Lynn Vivian as a credit against her 11 U.S.C. § 522(d)(11)(D) exemption.
- (c) Debtors shall amend Schedule C within 30 days of this Order to expressly claim the above exemption and to provide liquidated amounts for all other amounts claimed.

- (d) The balance of the Settlement Proceeds, in the amount of \$22,812.69, is to be held by special counsel pending resolution of all medial liens against the funds. Upon resolution Debtor's shall prepare a proposed distribution and seek approval either by way of consent order or Motion.

So Ordered:

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U.S. Bankruptcy Judge

Consented to:

/s/ Owen W. Katz

Owen W. Katz

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